



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
KRISS et al,

Plaintiffs,

-against-

BAYROCK GROUP et al,

Defendants
-----X

10 CIV 3959

**ORDER *IN RE* FILING A FIRST
AMENDED AND
SUPPLEMENTAL COMPLAINT**

FRCP 15

ORDER

It is ordered, that should any or all Plaintiffs file a first amended and supplemental complaint on or before January 19, 2012, such filing:

- (1) Shall not be deemed made pursuant to FRCP 15(a)(1), Plaintiffs retaining the right to file a subsequent, second amended complaint pursuant thereto as a matter of course as if such were a first amended complaint; and
- (2) Shall not be counted for any further purposes of FRCP 15(a)(2), thus any subsequent application by Plaintiffs for permission to file a third, fourth, etc. amended complaint shall be decided as if the first amended complaint were actually the complaint originally filed and the second amended complaint were actually the first amended complaint filed as a matter of course, and so on; and
- (3) Shall not preclude Plaintiffs from requesting permission to file subsequent supplemental complaint(s).

By:

Paul A. Engelmayer
Paul Engelmayer
United States District Judge
Dec. 8, 2011